

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicants thank Examiner for carefully considering this application.

Disposition of Claims

Claims 1–40 are pending in this application. Claims 1 and 30 are independent and all remaining claims depend, either directly or indirectly, from claim either claim 1 or claim 30.

Rejections Under 35 U.S.C. § 102

Claims 1–40 stand rejected under 35 U.S.C. § 102 as anticipated by the following U.S. Patents: Chan *et al.* ‘754; Chan *et al.* ‘831; Carriay *et al.* ‘732; Previte ‘706; Absolon *et al.* ‘456; Cowan ‘677; Chatterji *et al.* ‘738; Chatterji *et al.* ‘399; Chatterji *et al.* ‘871; Reddy *et al.* ‘021; Vijn ‘758; Burkhalter *et al.* ‘516; George *et al.* ‘763; Rao *et al.* ‘653. Claims 2–4 and 31–33 have been cancelled in this reply and their rejection is now moot. The remaining pending claims have been amended, or have had the claims on which they depend amended, to clarify the invention recited. As amended, independent claims 1 and 30 recite a “dispersant composition comprising a surfactant and a hydrolyzed protein,” which the cited references fail to show. Claims 5–29 depend, either directly or indirectly on claim 1 and claims 34–40 depend either directly or indirectly on claim 30. All dependent claims include all the limitations of their corresponding independent claims. Thus, the rejection under 35 U.S.C. § 102 is respectfully traversed.

As discussed by the Examiner in the rejection, none of Chan *et al.* ‘754; Chan *et al.* ‘831; Carriay *et al.* ‘732; Previte ‘706; Absolon *et al.* ‘456; Cowan ‘677; Chatterji *et al.* ‘738; Chatterji *et al.* ‘399; Vijn ‘758; Burkhalter *et al.* ‘516; George *et al.* ‘763; or Rao *et al.* ‘653,

alone or in combination, disclose the “hydrolyzed protein” recited in independent claims 1 and 30 as amended; thus, these references do not do not anticipate the pending claims as amended.

Chatterji *et al.* ‘871 does not disclose the use of a dispersant composition comprising a surfactant in combination with a hydrolyzed protein as recited in independent claims 1 and 30 as amended; thus, Chatterji *et al.* ‘871 does not anticipate the pending claims as amended.

Reddy *et al.* ‘021 does not disclose a dispersant composition as recited in independent claims 1 and 30. Reddy *et al.* ‘021 discloses a known use of hydrolyzed keratin; that is, the use of hydrolyzed keratin as a foaming and foam stabilizing additive. However, Reddy *et al.* ‘021 does not disclose the utility a hydrolyzed protein in combination with a surfactant as a dispersant composition in methods of cementing. Thus, Reddy *et al.* ‘021 does not anticipate the pending claims as amended.

In view of the above, Chan *et al.* ‘754; Chan *et al.* ‘831; Carriay *et al.* ‘732; Previte ‘706; Absolon *et al.* ‘456; Cowan ‘677; Chatterji *et al.* ‘738; Chatterji *et al.* ‘399; Chatterji *et al.* ‘871; Reddy *et al.* ‘021; Vijn ‘758; Burkhalter *et al.* ‘516; George *et al.* ‘763; and Rao *et al.* ‘653, either alone or in combination, fail to show or suggest the present invention as recited in pending claims 1 and 30 as amended. Thus, the pending independent claims 1 and 30 as amended are patentable over the cited references. Claims 5–29 depend, either directly or indirectly on claim 1 and claims 34–40 depend either directly or indirectly on claim 30. All of these dependent claims, which include all the limitations of their corresponding independent claims, are allowable for at least the reasons cited above with respect to claims 1 and 30. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1–40 stand rejected under 35 U.S.C. § 103 as obvious over Chan *et al.* ‘754; Chan *et al.* ‘831; Carriay *et al.* ‘732; Previte ‘706; Absolon *et al.* ‘456; Cowan ‘677; Chatterji *et al.* ‘738; Chatterji *et al.* ‘399; Chatterji *et al.* ‘871; Reddy *et al.* ‘021; Vijn ‘758; Burkhalter *et al.* ‘516; George *et al.* ‘763; and Rao *et al.* ‘653. Claims 2–4 and 31–33 have been cancelled in this reply and their rejection is now moot. The remaining pending claims have been amended, or had the claims on which they depend amended, to clarify the invention recited. The rejection under 35 U.S.C. § 103 is respectfully traversed.

Applicants respectfully note that the office action does not set forth an obviousness rejection with sufficient clarity and specificity to allow Applicants to respond effectively to Examiner’s concerns. Nonetheless, Applicants will respond to the rejection to the best of their ability.

“Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” MPEP § 2143.03. Moreover, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” MPEP § 2143.01 (citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990)). As amended, independent claims 1 and 30 recite methods of cementing using a “dispersant composition comprising a surfactant and a hydrolyzed protein.” The cited references do not disclose or suggest the combination of both a hydrolyzed protein and a surfactant to form a dispersant composition. “To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP § 2143.03 (citing *In re*

Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)). Thus, the cited references have not been shown to render obvious the pending claims as amended.

In view of the above, *Chan et al.* '754; *Chan et al.* '831; *Carriay et al.* '732; *Previte* '706; *Absolon et al.* '456; *Cowan* '677; *Chatterji et al.* '738; *Chatterji et al.* '399; *Chatterji et al.* '871; *Reddy et al.* '021; *Vijn* '758; *Burkhalter et al.* '516; *George et al.* '763; and *Rao et al.* '653, either alone or in combination, fail to show or suggest the present invention as recited in pending claims 1 and 30 as amended. Thus, the pending independent claims 1 and 30 as amended are patentable over the cited references. Claims 5–29 depend, either directly or indirectly on claim 1 and claims 34–40 depend either directly or indirectly on claim 30. All of these dependent claims, which include all the limitations of their corresponding independent claims, are allowable for at least the reasons cited above with respect to claims 1 and 30. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, please do not hesitate to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account No. 02-0383, (formerly *Baker & Botts, L.L.P.*), Order Number 063718.0341.

Respectfully submitted,

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